

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA-2597-2013 (O&M)
Date of decision : 07.01.2020

Municipal Corporation, Gurgaon

...Appellant

Versus

Bijender Singh Verma

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Goyat, Advocate for the appellant.

Mr. M.P.S. Mann, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below while decreeing the suit for declaration to the effect that the plaintiff-respondent is owner in possession of the house in question and restrain the appellant from demolishing any part of the house of the plaintiff.

Plaintiff filed the present suit claiming to be the owner in possession of a house, building whereon was constructed after getting the building plan sanctioned from the Municipal Corporation. He applied for further sanction of the building plan which was rejected on the ground that some part of the property falls in the street area as per the Town Planning Scheme No.3. The Municipal Corporation claims the property to be street on the basis of the Town Planning Scheme No.3. Apart from the Town

Planning Scheme No.3, the Municipal Corporation has no other claim on the property.

Both the Courts on appreciation of evidence have found that the Town Planning Scheme No.3 was although sanctioned but was never implemented with a period of 5 years as is required in the Haryana Municipal Act, 1973. Both the Courts have found that the aforesaid Town Planning Scheme has never been implemented or given effect to.

Learned counsel for the appellant failed to draw the attention of the Court to any substantive error or perversity in the judgments passed by the Courts below. Hence, the present appeal is dismissed.

07.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No